

**Decision Record and Finding of No Significant Impact
Out of Bounds Adventures Alaska Heliskiing
Southeast Alaska Backcountry Adventures
and
Teton Gravity Research**

I. Decision:

Based on the analysis and evaluation of the environmental assessment, it is my decision to authorize a special recreation permit to Out of Bounds Adventures and Southeast Alaska Backcountry Adventures for a period of five (5) years for commercial recreation operations on BLM administered land. Permittees may conduct helicopter assisted, commercially guided alpine skiing trips only on the land depicted on the attached Map 1, dated April 25, 2002.

Based on the analysis and evaluation of the environmental assessment, it is my decision to authorize a land use permit for a period of three (3) years to Teton Gravity Research (TGR) to conduct filming operations on BLM administered land. TGR may film skiers and snow boarders for up to five days from April 1 through April 30, 2002 and conduct reconnaissance flights for up to five additional days. TGR may conduct filming and reconnaissance flights only on the land depicted on the attached Map 1, dated April 25, 2002.

The standard stipulations for special recreation permits are attached to the Decision Record and the authorizing permit (Attachment 1).

This decision includes the mitigation measures adopted as stipulations in EA-AK-040-95-015 (Attachment 2), the additional mitigation measures identified in this analysis and adopted as stipulations (Attachment 3) and the stipulations specific to commercial filming permits (Attachment 4). Operations for all applicants may occur only on the land depicted on the attached Map 1, dated April 25, 2002.

II. Rationale for the Decision:

The analysis addresses the issues resulting from the Proposed Action. These commercial helicopter supported heliskiing and filming events will help meet demand from the public for this type of service and potentially increase the economic base of Haines. The limits placed on the operation in the form of stipulations and mitigation will minimize impacts to residents, recreationists and wildlife. The decision considers off-site effects (en route) on residents, recreationists and wildlife. It is appropriate in this action to influence en route actions by requiring environmentally responsible conduct as a condition of landing on public lands.

The decision to allow the Proposed Action does not result in any known, undue or unnecessary environmental degradation.

III. Finding of No Significant Impact:

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that impacts are not expected to be significant and an environmental impact statement is not required.

IV. ANILCA Section 810 (A) Summary:

The Proposed Action will not restrict subsistence uses. No reasonably foreseeable significant decrease in the abundance of harvestable resources and no limitation on harvester access to subsistence species will result from the Proposed Action. Because these lands are State selected, they no longer fall under the Federal Subsistence Board, Federal Subsistence Regulations or ANILCA Section 810.

V. Adverse Energy Impact Compliance:

This action has been analyzed as required by Washington Office Instruction Memorandum 2002-053 to determine if it will cause an adverse impact on energy development. The action will not have an adverse direct or indirect impact on energy development, production or distribution. The preparation of a Statement of Adverse Energy Impact is not required.

VI. Compliance and Monitoring:

Monitoring will be conducted as part of the on-going monitoring already underway for the Temsco permit (EA-AK-040-95-015). As determination of buffers for helicopter use are made by professional biologists or if significant declines in mountain goat populations occur, adjustments in flight corridors, landing sites and areas of operations may be required.

/s/ June Bailey, Acting
Anchorage Field Manager

May 1, 2002
Date

Attachments:

Attachment 1 - Standard Stipulations for all Special Recreation Permits
Attachment 2 - Stipulations Adopted for Helicopter Use from EA-AK-040-95-015
Attachment 3 - Stipulations Adopted From Mitigation Measures AK-040-02-EA-011
Attachment 4 - Stipulations for Commercial Filming Permits
Map 1, dated April 25, 2002

Attachment 1

Standard Stipulations for all Special Recreation Permits

1. A SRP represents a nonexclusive privilege authorizing special uses of public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The Authorized Officer may suspend a SRP if necessary to protect public resources, health, safety, the environment, or for noncompliance with permit stipulations. In the event that the lands are transferred to another federal or state agency or a Native corporation, the permit will expire.
2. All aircraft utilized must have property and liability insurance. It is the Permittee's responsibility to verify that the aircraft and pilot are insured.
3. Adequate insurance must be obtained by the Permittee and kept current in order to protect the user, the Permittee, and the U.S. Government against liability and litigation. The minimum general liability limits are: \$300,000 or \$500,000 annual aggregate for bodily injury (state limits for guides HB-112), \$10,000 property damage per occurrence and \$25,000 annual aggregate, if the policy specifies aggregate limits. The policy shall list the U.S. Government as an additionally insured. The insurance must be for the company name authorized under the permit.
4. Unless specifically authorized, a SRP does not authorize the Permittee to permanently erect, construct, or place any building, structure, or other fixture on the public lands. Any use of the public lands is subject to the condition that upon leaving, the lands must be restored as nearly as possible to preexisting conditions.
5. The Permittee must assume the responsibility for inspecting the permitted area for any existing or new hazardous conditions, i.e. landing areas, rocks, changing weather conditions, dangerous wildlife, or other hazards that present risks. The Permittee must promptly inform BLM of any potential hazardous waste sites.
6. The Permittee shall comply with all federal, state, and local laws.
7. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. No property or preference right is conveyed by this permit. The use of the permit as collateral is not recognized by the BLM.

Attachment 1

8. Unless expressly stated, this SRP does not create an exclusive right of use of an area by the Permittee. The Permittee shall not interfere with other valid uses of the Federal land by other users.
9. The Permittee may not assign, sublease, or contract any portion of the permit activities without prior authorization from BLM.
10. The Permittee must present or display a copy of the special recreation permit to a participant, Authorized Officer's representative, or law enforcement personnel upon request. Any of the records or other documents related to the permit, the Permittee or the Permittee's operator, employee, or agent may be examined up to three years after expiration of the permit.
11. All human solid waste and unburnable garbage must be back hauled from the landing site and deposited in an approved waste disposal site.
12. The Permittee is subject to the stipulations and conditions checked on the back of the recreation permit.
13. The Permittee must keep a record and report all daily flight routes, landing locations, and ski runs.

Attachment 2

Stipulations Adopted for Helicopter Use from EA-AK-040-95-015

For all mitigation measures, it is recognized that exceptions may be made for all aircraft safety. Aircraft and passenger safety will take precedent over these mitigation measures.

1. All authorized operations will assure that operators meet FAA requirements to achieve safe air operations (routing, airspace separation and coordination with other operators).
2. All authorized operators will be required to submit and abide by a Safety and Operating Plan which will be approved by the BLM and will be a part of the Special Recreation Use Permit. The FAA may review these submissions.
3. All operations will maintain a 1,500 foot clearance of key mountain goat areas, mountain goats, sensitive bird nesting sites, brown and black bears, wolves, moose, sea lions, and other marine mammals. Steepness (degree in slope) and roughness (outcrops and spur ridges) affect the ratio of elevation to horizontal distance significantly. Attempts should be made to maximize distance between ground and habitats or animals wherever possible. Flight routes over near level terrain will maintain a minimum of 1,500 feet above ground level and at least 1,500 feet horizontal distance from wildlife habitat features described above. Pilots are not expected to compromise safety when weather conditions indicate the 1,500 foot minimum cannot be met.
4. Helicopter landing areas will maintain a minimum of one mile distance from observed mountain goat activity on rock islands. Flight paths should be altered to avoid flying over rock islands with observed goat activity.
5. All authorized operations will adhere to U.S. Fish and Wildlife Service (USF&WS) recommendations regarding eagle nests. Operators will be furnished with maps which show locations to be avoided during the nesting season.
 - a. Maintain established travel routes, but avoid any eagle nest by at least 3 mile (1,320 feet).
 - b. Helicopters must avoid hovering near and circling any eagle nest.
 - c. Report to USF&WS office and the BLM eagle nests found that are not indicated on maps provided.
6. Do not hover, circle, or harass wildlife in any way. This refers particularly to mountain goats, wolves, bears, eagles, sea lions, and other marine mammals, but includes all wildlife species.

Attachment 2

7. All operations will be requested to report observations, numbers, classification, and behavior by date, time, observer (pilot), location (map) of mountain goats, brown and black bear, moose, wolf, black tail deer, and wolverines, to the BLM within 30 days after activities are complete. It is understood that can only be done secondary to safety during the flight and the purpose of the tour. BLM will provide training and data sheets if requested.
8. BLM will continue a monitoring plan with the Alaska Department of Fish and Game (ADF&G) to monitor wildlife, particularly mountain goats for habitat use area fidelity, population productivity, stability of numbers and habitat occupancy, distribution in and adjacent to the affected areas. Appropriate changes in operations will be coordinated with operators and may include a wide range of options, i.e., rotational use of landing sites as necessary to achieve occupation of available habitat goals.
9. BLM will monitor and track complaints by user groups, follow up for validity, frequency, and determination of significance; where warranted, make appropriate adjustments in flight route criteria or landing site management in consultation with user groups and operators.

Attachment 3

Stipulations Adopted From Mitigation Measures AK-040-02-EA-011

1. If goats or goat activity, as evidenced by tracks, are observed during flights, on ski runs or at landing areas, the site will be avoided by a distance of one mile from the observed goat activity.
2. All flights, shall operate within designated flight corridors and elevation restrictions. Heliskiing and filming areas depicted on the attached Map 1 may be authorized and likewise sensitive wildlife habitat and special flight restriction areas may not be authorized. This will minimize the impacts described in the analysis by separating important habitat and animal wintering locations from helicopter recreation and filming use.
3. A 1,500 foot minimum elevation is required above the river bottoms for bald eagle courtship, nesting territory and a 5,000 foot elevation minimum for helicopter flight corridors to drop off sites that pass over mountain goat habitats.
4. The operation period is from March 1 through April 30 in order to mitigate potential impacts to wildlife and protect use patterns for goats dispersing to kidding and high quality and quantity forage sites.
5. The region encompassing the entire Chilkoot watershed above the upper end of Chilkoot Lake, Raymond Mountain area, the Mount Ashmun/Tohitkah Mountain area, and all drainages flowing into the Chilkat River from the east and south from the Alaska/Canadian Border south to Klutshah Mountain is designated a monitoring control area (see attached Map 1). This area is all BLM administered land and it contains the core of the monitoring control area established when wildlife monitoring began in 1995. A second control area is designated on the west side of Lynn Canal in the general area from Sullivan Mountain to Haska Creek. This would reflect the coastal climate as compared to the more interior climate of the Chilkoot control area. The Sullivan Mountain/Haska Creek control area contains Amountain island@ habitat and is adjacent to areas with high goat densities. Goat numbers in this area have decreased since monitoring began in 1995.
6. Heliskiing runs that cross or originate on BLM administered lands and then terminate on state administered lands within important mountain goat winter range or sensitive wildlife habitat areas will not be authorized.

Attachment 4

Stipulations for Commercial Filming Permits

1. All land use authorizations are subject to the terms and conditions outlined in 43 CFR 2920.7. A copy will be provided at the time of authorization.
2. No aircraft are authorized without property and liability insurance.
3. Adequate insurance must be obtained by the Permittee and kept current in order to protect the user, the Permittee and the U.S. Government against liability and litigation. The policy shall list the U.S. Government as an additionally insured. The insurance must be for the company name authorized under the permit.
4. The Permittee must assume the responsibility for inspecting the permitted area for any existing or new hazardous conditions, i.e., natural landing areas, rocks, changing weather conditions, dangerous wildlife, or other hazards that present risks for which the Permittee assumes responsibility. The Permittee must promptly inform BLM of any potential hazardous waste sites.
5. The Permittee shall comply with all federal, state, and local laws.
6. The Permittee shall not interfere with other valid uses of the Federal land by other users.
7. The Permittee may not transfer any portion of the permit activities without prior authorization from BLM.
8. The Permittee must present or display a copy of the land use permit to a participant, Authorized Officer's representative, or law enforcement personnel upon request. Any of the records or other documents related to the permit.
9. All human solid waste and unburnable garbage will be back hauled from the landing site and deposited in an approved waste disposal site.
10. The Permittee must keep a record and report all daily flight routes, landing locations, and ski runs. This includes GPS coordinates of landing and pick up sites.
11. The land use permit is renewable, at the discretion of the Authorized Officer.
12. The Permittee will give the BLM a location credit in their film.

Attachment 4

13. This permit does not provide authorization for areas other than federal land managed by BLM; it is the responsibility of the permittee to know and understand the land ownership and to only utilize the areas authorized by this permit.